

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CORY EPPS,

Plaintiff,

-against-

THE CITY OF BUFFALO, DETECTIVE JOHN
BOHAN, DETECTIVE REGINALD MINOR,
DETECTIVE MARK STAMBACH,
DETECTIVE JAMES GIARDINA,
DETECTIVE ANTHONY CONSTANTINO,
DETECTIVE ROBERT CHELLA, AND
RANIERO MASSECHIA,

Defendants.

Dkt. No. 19-cv-00281

DECLARATION OF ROB RICKNER

I, Rob Rickner, an attorney duly admitted to practice in the Courts of New York and this Court, declares the following under the penalties of perjury:

1. I am co-counsel for Plaintiff Cory Epps and am familiar with the facts herein and in all supporting papers related to the above-captioned matter.
2. I submit this declaration in opposition to Defendants' motions and to include those exhibits relevant to Plaintiff's response to Defendants' Rule 56.1 Statements and Memorandums of Law in Support of their Motions for Summary Judgment.
3. Attached as Plaintiff's Exhibit A is a true and accurate copy the 1998 criminal trial of Cory Epps, Indictment #97-1542.
4. Attached as Plaintiff's Exhibit B is a true and accurate transcript of the February 17, 2021 deposition of Raniero Masecchia.
5. Attached as Plaintiff's Exhibit C is a true and accurate transcript of the January 25,

2021 deposition of Robert Chella.

6. Attached as Plaintiff's Exhibit D is a download of the online article "Cory Epps is not the killer – so who is?" dated December 1, 2017 and written by Charlie Specht for Channel 7 News, available at <https://www.wkbw.com/news/i-team/cory-epps-is-not-the-killer-so-who-is->.

7. Attached as Plaintiff's Exhibit E is a true and accurate transcript of the December 9, 1997 Wade/Huntley Suppression Hearing in *State v. Epps*, Indictment #97-1542.

8. Attached as Plaintiff's Exhibit F is a true and accurate copy of the discovery demands served by Epps' criminal defense attorney prior to trial.

9. Attached as Plaintiff's Exhibit G are true and accurate copies of two "P73" forms from the investigation into the murder of Tamika Means.

10. Attached as Plaintiff's Exhibit H is a true and accurate copy of the composite sketch created by the police department with the help of witness Jaqueline Bradley.

11. Attached as Plaintiff's Exhibit I is a true and accurate transcript of the sentencing minutes in *People v. Epps*, Indictment #97-1542.

12. Attached as Plaintiff's Exhibit J is a true and accurate copy of an BPD Intra-Departmental Correspondence dated July 7, 1997.

13. Attached as Plaintiff's Exhibit K is a handwritten note from the Tamika Means investigatory file.

14. Attached as Plaintiff's Exhibit L is a true and accurate copy of one of the photo arrays shown to Ms. Bradley, with spot #5 left blank, and a notation that the witness identified #5 as the assailant.

15. Attached as Plaintiff's Exhibit M is a true and accurate copy of the affidavit signed by Ms. Bradley following the second photo array.

16. Attached as Plaintiff's Exhibit N is a true and accurate transcript of the March 30, 2021 deposition of Charles Aronica.

17. Attached as Plaintiff's Exhibit O is a true and accurate copy of an BPD Intra-Departmental Correspondence dated June 24, 1997.

18. Attached as Plaintiff's Exhibit P is a true and accurate copy of an BPD Intra-Departmental Correspondence dated July 31, 1997.

19. Attached as Plaintiff's Exhibit Q is a true and accurate copy of the September 7, 2022 testimony of expert Margaret Bull Kovera, PhD.

20. Attached as Plaintiff's Exhibit R is a true and accurate copy of the expert report produced by Margaret Bull Kovera, PhD.

21. Attached as Plaintiff's Exhibit S is a true and accurate color copy of the mug shot of Cory Epps taken on May 18, 1997 at the Buffalo Police Department.

22. Attached as Plaintiff's Exhibit T is a true and accurate copy of the anonymous letter sent by "Pumpkin" Anderson after Epp's conviction stating her belief that Russell Montgomery was responsible for the Means murder.

23. Attached as Plaintiff's Exhibit U is a true and accurate copy of the 50h deposition testimony of Plaintiff Cory Epps.

24. Attached as Plaintiff's Exhibit V is a true and accurate copy of the December 19, 2022 affidavit of David Cotter, Esq.

25. Attached as Plaintiff's Exhibit W is a true and accurate copy of the January 11, 2002 affidavit of Jacqueline Bradley describing the similar appearances of Epps and Montgomery.

26. Attached as Plaintiff's Exhibit X is a true and accurate transcript 2001 post-conviction hearing in *State v. Epps*, Indictment #97-1542.

27. Attached as Plaintiff's Exhibit Y is a true and accurate copy of the July 11, 2002 affidavit of Mark Stambach.

28. Attached as Plaintiff's Exhibit Z is a true and accurate copy of the June 15, 2002 affidavit of Theresa M. Guenther.

29. Attached as Plaintiff's Exhibit AA is a true and accurate copy of the August 30, 2000 affidavit of Lawrence M. Schwegler.

30. Attached as Plaintiff's Exhibit BB is a true and accurate copy of the August 31, 2000 affidavit of Reginald Minor.

31. Attached as Plaintiff's Exhibit CC is a true and accurate copy of the August 30, 2000 affidavit of Anthony Constantino.

32. Attached as Plaintiff's Exhibit DD is a true and accurate copy of the August 31, 2000 affidavit of Robert Chella.

33. Attached as Plaintiff's Exhibit EE is a true and accurate copy of the August 30, 2000 affidavit of James Giardina.

34. Attached as Plaintiffs Exhibit FF is a true and accurate copy of the August 30, 2000 affidavit of Raniero Massechia

35. Attached as Plaintiffs Exhibit GG is a true and accurate copy of the post-440 hearing Memorandum of Law of Justice J. McCarthy in *State v. Epps*, Indictment #97-1542, dated September 13, 2001.

36. Attached as Plaintiffs Exhibit HH is a true and accurate copy of the affidavit of Wymiko Anderson.

_____/s/____

Rob Rickner, Esq.